IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

CRP.No. 922 of 2007

OP(TP).239/2007 of DISTRICT COURT ,TRIVANDRUM
OS.513/2005 of PRL.MUNSIFF'S COURT,NEDUMANGAD
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REVN. PETITIONER: PETITIONER/DEFENDANT

R.BHASKARAN NAIR, ERAVINALLOOR MADOM,
ENIKKARA, KARAKULAM VILLAGE, THIRUVANANTHAPURAM.

BY ADV. SRI.A.K.MADHAVAN UNNI
SRI.S.RAMACHANDRAN

RESPONDENTS: PLAINTIFF

C.K.KRISHNAN NAIR, SANTHA BHAVAN,
ENIKKARA, KARAKULAM VILLAGE,
THIRUVANANTHAPURAM - 695 001.

BY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

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C.R.P. No.922 OF 2007

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Dated this the 23rd day of October 2007

ORDER

This revision petition is preferred against the order of the District Court, Thiruvananthapuram in O.P.(TP)No.239 of 2007. It was an application filed for transfer of O.S.No.513 of 2005 of the Prl.Munsiff's Court, Nedumangad to some other court under Section 24 of the Code of Civil Procedure. The suit was listed for trial on 6.9.2007 and it was adjourned to 13.9.2007 at the request of the parties, as both of them were suffering from chikkun gunia. It is alleged that meanwhile the plaintiff who is the respondent in the case has openly declared several times that he had highly influenced the Munsiff for his advantage in the case. It appears that the counsel appearing for the defendant in the suit relinquished his vakalath. The learned District Judge has obtained a report from the learned Munsiff and the learned Munsiff has very clearly stated that nobody has approached him and there is no basis for the apprehension. Even then he said that he has no objection in transferring the case. A reading of the order of the learned District Judge would reveal that the present petitioner is in the habit

of filing transfer applications after transfer applications in the cases alleging the factum of influence over the presiding officer. The sanctity of the system of law has to be preserved and if on a mere apprehension of some persons a case is to be transferred then the credibility of the system will be shaken. I am conscious of the fact that not only justice should be done but should be seemed to be done as well. But if indiscriminate transfers are effected when there are no materials in support of the allegations, whatever it may be, it will go to the root of the system and therefore it shall not be treated light heartedly and transferred. Therefore I find that the District Judge has arrived at a proper decision. Therefore the revision petition is dismissed.

M.N.KRISHNAN, JUDGE

Cdp/-